



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

This Office believes that the terms of the attached

agreement represent a fair and equitable settlement and will deter future violations of this type.

Accordingly, this Office recommends that the Commission accept the attached agreement from

Joe Turnham for Congress and Pete Turnham, as treasurer.

**III. SEVERANCE OF REMAINING RESPONDENTS**

This Office also recommends that this matter be severed so as not to delay the placement

of relevant documents on the public record. As noted in the First General Counsel's Report, the

complaint in this matter raised, for the first time, the issue of whether a candidate or officeholder

can maintain two "leadership PACs." The acceptance of conciliation agreements with the

affiliated PACs (Team Majority and PAC to the Future) and three recipient candidate

committees (*see* footnote 1) will provide guidance to the regulated community about how the

Act's contribution limits are applied in such circumstances. Moreover, Team Majority's

disclosure of the civil penalty payment in its 2003 Year-End Report has attracted press attention,

but the press accounts have not fully explained the nature of the violations because the

conciliation agreements are not public.<sup>3</sup> Releasing the agreements at this time would benefit the

Commission and the public by providing additional information and alleviating possible

confusion resulting from incomplete press accounts. Finally, where, as here, the underlying

conduct giving rise to the violation and/or the filing of the complaint attracts press attention,

---

<sup>3</sup> See, e.g., Brody Mullins, *Pelosi PAC Hit With \$21K Fine*, ROLL CALL, February 9, 2004; *House Minority Leader's PAC Is Fined \$21,000*, WASH. POST, February 11, 2004.

1 there may be some measure of unfairness to respondents who settle early if the timing of the  
2 Commission's public announcement of the settlement becomes dependent on the settlement  
3 strategies of other actors over whom they have no control.

4 Accordingly, this Office recommends that the Commission take no action with respect to  
5 George Zimmer,<sup>4</sup> close the file in the matter, sever the following respondents from MUR 5328 and  
6 open a new MUR with respect to them: The Committee to Elect Charles Walker and Lourdes  
7 Gomez, as treasurer, and the Chris Kouri for Congress Committee and Kinde Durkee, as treasurer.<sup>5</sup>

8 **IV. RECOMMENDATIONS**

- 9 1. Accept the attached conciliation agreement from Joe Turnham for Congress and Pete  
10 Turnham, as treasurer.  
11  
12 2. Sever the Committee to Elect Charles Walker and Lourdes Gomez, as treasurer, and  
13 the Chris Kouri for Congress Committee and Kinde Durkee, as treasurer, from  
14 MUR 5328 and open a new MUR with respect to them.  
15  
16 3. Take no action with respect to George Zimmer and close the file in MUR 5328.  
17  
18

---

<sup>4</sup> Based on a recommendation in the First General Counsel's Report in this matter, the Commission took no action "at this time" as to Mr. Zimmer in light of possible documents and other information in his possession that may have been helpful in the event that conciliation negotiations were not successful. Because the Commission has conciliated with the primary respondents and we do not anticipate that Mr. Zimmer could provide any further useful information, we do not believe he should be severed into the new matter along with the remaining respondents.

<sup>5</sup> Lourdes Gomez and Kinde Durkee are new treasurers that assumed their positions following the Commission's reason-to-believe findings against their committees.

25044114838

4. Approve the appropriate letters.

Lawrence H. Norton  
General Counsel

2/18/04  
Date

BY:

Rhonda J. Vosdine  
Rhonda J. Vosdine  
Associate General Counsel  
for Enforcement

Sidney Locke  
Sidney Locke  
Assistant General Counsel

Thomas J. Andersen  
Thomas J. Andersen  
Attorney

Attachment

Signed conciliation agreement from Joe Turnham for Congress

25044114839